

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

TRAVIS BOULDIN,

Petitioner,

v.

ACTION NO. 2:15cv264

HAROLD W. CLARKE, Director,
Virginia Department of Corrections,

Respondent.

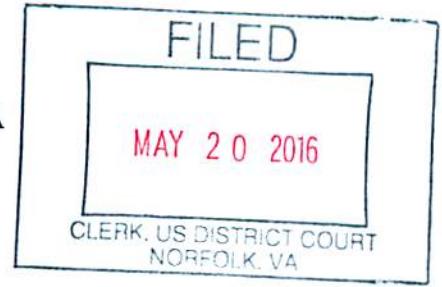
FINAL ORDER

This matter was initiated by petition for a writ of *habeas corpus* under 28 U.S.C. § 2254.

The petition alleges violation of Petitioner's constitutional rights pertaining to his convictions in 2012 in Chesapeake, Virginia, for driving while intoxicated (third offense), and refusing to take a breathalyzer. As a result of the convictions, Petitioner was sentenced to serve a total of six years in prison, with five years and three months suspended, resulting in an active sentence of nine months.

The petition was referred to a United States Magistrate Judge for a Report and Recommendation pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Magistrate Judge's Report and Recommendation was filed April 15, 2016, and recommends dismissal of the petition with prejudice. The Report and Recommendation advised Petitioner of his right to object and the time limit for doing so. The Court has received no objections, and the time for filing objections has now expired.

Accordingly, the Court accepts the findings and recommendations set forth in the Report and Recommendation filed on April 15, 2016, and it is therefore **ORDERED** that Respondent's Motion



to Dismiss is **GRANTED**, and that the petition be **DENIED** and **DISMISSED** with prejudice.

Petitioner may appeal from the Judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510, within thirty days from the date of entry of such Judgment.

Petitioner has failed to demonstrate a substantial showing of the denial of a constitutional right. Therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 123 S.Ct. 1029, 1039 (2003).

The Clerk shall mail a copy of this Final Order to Petitioner and provide an electronic copy of the Final Order to counsel of record for Respondent.

IT IS SO ORDERED.



Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia

5-20, 2016